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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,773	12/12/2003	Gregory Alan Flurry	AUS920030811US1	1897
34533 7590 09/04/2007 INTERNATIONAL CORP (BLF) c/o BIGGERS & OHANIAN, LLP P.O. BOX 1469 AUSTIN, TX 78767-1469			EXAMINER NOORISTANY, SULAIMAN	
			ART UNIT 2146	PAPER NUMBER
			MAIL DATE 09/04/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.		Applicant(s)	
	10/734,773		FLURRY ET AL.	
	Examiner		Art Unit	
	Sulaiman Nooristany		2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____                                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/12/2003 &amp; 06/20/2005</u> .                             | 6) <input type="checkbox"/> Other: ____                           |

***Detailed Action***

This Office Action is response to the application filed on 12 December 2003

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-  
(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent; or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English.

**Claims 1-6, 10-16, 20-26 & 30** are rejected under 35 U.S.C. 102(e) as being anticipated by **Sharma at al.** U.S. Patent Application No. **US 2003/0204645**.

**Regarding claims 1 & 11**, Sharma teaches method and the system **[Methods, systems [Abstract, line-1]]**.

Sharma further teaches wherein a method of port type agnostic proxy support for web services intermediaries **[Fig. 1 unit 120 (Network)]**, the method comprising:

receiving in a web services intermediary a request for execution of a web services operation **[performing Web-based operations request and receive information from a Web-based server via an intermediary network (Fig. 1 unit 120) [0007]]**,

wherein the request includes parametric information from which an endpoint for a target service that supports the operation can be identified [an **Endpoint (terminal) Interface parameter associated with the method which identify the service endpoint (terminal) interface that is supported by the created dynamic proxy [0056]]**];

identifying, in dependence upon the parametric data, the endpoint for a target service that supports the operation [“**A portName parameter in the createCall method identify the service endpoint targeted by client**” **[0057]]**];

creating a target service request for execution of the operation on the target service [a **service endpoint (terminal) defined by server that client targets for access [0054]]**]; and

issuing the target service request to the target service [Fig. 1 unit 100 wherein, **(Network unit-120 issuing the hand-shakes between two nodes)**].

**Regarding claim 2**, Sharma taught the method of claim 1, as described above.

Sharma further teaches wherein “the target service request as created and issued to the target service bears unexamined and unmodified message contents of the request received in the web services intermediary” [Network (unit 120) in Fig. 1 utilizes a **dynamic proxy class that supports a service endpoint interface dynamically at runtime without requiring code generation of a stub class that implements a specific service endpoint interface [0056]**].

**Regarding claim 3**, Sharma taught the method of claim 1, as described above.

Sharma further teaches wherein "identifying to a requester an endpoint of the web services intermediary as an endpoint that supports the operation" [**an Endpoint (terminal) Interface parameter associated with the method which identify the service endpoint (terminal) interface that is supported by the created dynamic proxy [0056]**].

**Regarding claim 4**, Sharma taught the method of claim 1, as described above. Sharma further teaches wherein "the parametric information includes a port type for the operation" [**a portName parameter include the name of a specific operation of a port type for the target service endpoint [0057]**].

**Regarding claim 5**, Sharma taught the method of claim 1, as described above.

Sharma further taught wherein "identifying, in dependence upon the parametric information, the endpoint for a target service that supports the operation further comprises" [**see above rejections**]

"identifying, in dependence upon the parametric information, a multiplicity of endpoints [**plurality of service endpoints [0065]**] of target services that support the operation " and

"selecting one endpoint from the multiplicity of endpoints in accordance with selection rules" **an Endpoint (terminal) Interface parameter associated with the method which identify the service endpoint (terminal) interface that is supported**

**by the created dynamic proxy [0056]].**

**Regarding claim 6**, Sharma taught the method of claim 5, as described above.

Sharma further teaches wherein “the parametric information includes a port type for the operation, and identifying, in dependence upon the parametric information, a multiplicity of endpoints of target services that support the operation comprises **[See above rejection]**

“identifying from a registry, in dependence upon the port type, a multiplicity of target services for the port type” **[an inquiry API for locating candidate services from a UDDI registry [0112]].**

**Regarding claim 10**, Sharma taught the method of claim 1, as described above.

Sharma further teaches wherein, “receiving in the intermediary a response from the target service **[Fig. 1, unit (110) server response to the Network unit (120)]**;

creating in the intermediary, in dependence upon the response from the target service, a response from the intermediary **[The wsdl:binding element binds an abstract wsdl.portType to a specific protocol and transport that is used by client to communicate with server over network [0054], and**

returning the response from the intermediary to the requesting client **[Fig. 1, unit (120) the network response the request to the client unit (130)].**

**Claim 12** has the similar limitation as of claim 2; therefore, it's rejected under the same rationale as in claim 2.

**Claim 13** has the similar limitation as of claim 3; therefore, it's rejected under the same rationale as in claim 3.

**Claim 14** has the similar limitation as of claim 4; therefore, it's rejected under the same rationale as in claim 4.

**Claim 15** has the similar limitation as of claim 5; therefore, it's rejected under the same rationale as in claim 5.

**Claim 16** has the similar limitation as of claim 6; therefore, it's rejected under the same rationale as in claim 6.

**Claim 20** has the similar limitation as of claim 10; therefore, it's rejected under the same rationale as in claim 10.

**Regarding claim 21**, Sharma teaches wherein a computer program product for port type agnostic proxy support for web services intermediaries, the computer program product comprising [program code to provide the necessary functionality [0030]]:

a recording medium [Fig. 1, units (113 "Client computer Memory"), (133 "Server Memory")];

means, recorded on the recording medium, for receiving in a web services intermediary a request for execution of a web services operation **[performing Web-based operations request and receive information from a Web-based server via an intermediary network (Fig. 1 unit 120) [0007]]**,

wherein the request includes parametric information from which an endpoint for a target service that supports the operation can" be identified **[an Endpoint (terminal) Interface parameter associated with the method which identify the service endpoint (terminal) interface that is supported by the created dynamic proxy [0056]]**;

means, recorded on the recording medium, for identifying, in dependence upon the parametric data, the endpoint for a target service that supports the operation operation **["A portName parameter in the createCall method identify the service endpoint targeted by client" [0057]]**;

means, recorded on the recording medium, for creating a target service request for execution of the operation on the target service **[a service endpoint (terminal) defined by server that client targets for access [0054]]**; and

means, recorded on the recording medium, for issuing the target service request to the target service **[Fig. 1 unit 100 wherein, (Network unit-120 issuing the hand-shakes between two nodes)]**.

**Claim 22** has the similar limitation as of claim 2; therefore, it's rejected under the same rationale as in claim 2.



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**Claim 23** has the similar limitation as of claim 3; therefore, it's rejected under the same rationale as in claim 3.

**Claim 24** has the similar limitation as of claim 4; therefore, it's rejected under the same rationale as in claim 4.

**Claim 25** has the similar limitation as of claim 5; therefore, it's rejected under the same rationale as in claim 5.

**Claim 26** has the similar limitation as of claim 6; therefore, it's rejected under the same rationale as in claim 6.

**Claim 30** has the similar limitation as of claim 10; therefore, it's rejected under the same rationale as in claim 10.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 7-9, 17-19 & 27-29** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sharma** U.S. Patent Application Publication No. US **2003/02044645**. in view of **Brittenham** U.S. Patent Application No. **US 2002/0178214**.

**Regarding claim 7**, Sharma teaches wherein selecting one endpoint from the multiplicity of endpoints [**plurality of service endpoints [0065]**]

Sharma further teaches wherein selecting one endpoint from the multiplicity of endpoints in accordance with selection rules [**an Endpoint (terminal) Interface parameter associated with the method which identify the service endpoint (terminal) interface that is supported by the created dynamic proxy [0056]**].

With respect to claim 7, Sharma teaches the invention set forth above except for the claimed "load balancing among target services".

Brittenham teaches that it is well known to utilize load balancing among target services [**"A process is defined whereby conditions such as usage metrics for incoming client requests (or other network conditions such as load balancing considerations) are monitored, and used to trigger dynamic undeployment of web services from locations in the network" [Abstract, lines 4-9]**].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sharma's invention by utilizing "load balancing among target services" wherein workload balancing improves the performance of a Web site by dynamically adjusting the amount of work sent to each server in a clustered group of servers (as taught by Brittenham).

**Regarding claim 8**, Sharma and Brittenham together taught the set-forth of the present claim.

“creating a target service request for execution of the operation on the target service comprises: **[[a service endpoint (terminal) defined by server that client targets for access [0054]]** as taught by Sharma.

However, Brittenham further teaches composing the request in a data structure useful in a binding-neutral interface; and calling the binding-neutral interface, passing the request as a call parameter **[“dynamically binding the requester to a located service using service information which is conveyed in a platform-neutral WSDL format using SOAP/XML Protocol and HTTP messages” [0007]]**.

**Regarding claim 9**, Sharma and Brittenham together taught the method of the claim wherein “issuing the target service request to the target service comprises **[See above rejection]**.”

Brittenham further teaches “calling one or more member methods in a binding-neutral interface” **[dynamically binding the requester to a located service using service information which is conveyed in a platform-neutral WSDL format using SOAP/XML Protocol and HTTP messages [0007]]**.

**Claims 17 & 27** have the similar limitation as of claim 7; therefore, it's rejected under the same rationale as in claim 7.

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**Claims 18 & 28** have the similar limitation as of claim 8; therefore, it's rejected under the same rationale as in claim 8.

**Claims 19 & 29** have the similar limitation as of claim 9; therefore, it's rejected under the same rationale as in claim 9.

**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent. 7,139,811 to Lev Ran et al.

US Patent App. 2004/0205765 to Beringer et al.

US Patent App. 2004/0172555 to Beringer et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sulaiman Nooristany whose telephone number is (571) 270-1929. The examiner can normally be reached on M-F from 9 to 5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Pwu, can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sulaiman Nooristany 8/28/2007



JEFFREY PWU  
SUPERVISORY PATENT EXAMINER